

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20544

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In the Matter of

*Initiation of Cost Review Proceeding for
Residential and Single-Line Business
Subscriber Line Charge (SLC) Caps
Providers*

CC Docket Nos. 96-262, 94-1
[DA 01-2163 & DA 01-2327]

MOTION OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
FOR EXTENSION OF TIME

Pursuant to Rule 1.46 of the Federal Communications Commission's ("FCC" or "Commission") Rules of Practice and Procedure, 47 C.F.R. § 1.46 (2000), the National Association of Regulatory Utility Commissioners (NARUC) files this motion requesting an extension of time to file comments on the Public Notice to review proposed increases to residential and single-line business SLC caps above \$5.00 released September 17, 2001 in the above-captioned proceeding. A subsequent notice revised the filing dates in response to local exchange carriers requests. NARUC requests the FCC extend the time for all initial comments to February 17, 2002 and to correspondingly extend the time for reply comments to March 17, 2002.

In support of this request, NARUC states as follows:

I. NARUC'S INTEREST

The NARUC is a quasi-governmental nonprofit organization founded in 1889. NARUC's members include those governmental bodies of the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands, which engage in the regulation of carriers and utilities. NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. More specifically, NARUC is composed of the State officials charged with the duty of regulating the telecommunications common carriers within their respective borders. As such, they have the obligation to assure that such telecommunications services and facilities as may be required by the public convenience and necessity are universally provided at rates that are just and reasonable. As discussed below, the FCC's proposed action, insofar as it directly affects end-user fees accessed for basic service, clearly impact upon this obligation. Indeed, more than nine of NARUC's member commissions specifically requested that NARUC file this request.

II. BACKGROUND

On May 31, 2000, the FCC adopted an integrated interstate access reform and universal service proposal offered by the self-described "Coalition for Affordable Local and Long Distance Service (CALLS)."¹ That order raised the cap for the primary residential and single-line business subscriber line charge (SLC) to \$4.35 on July 1, 2000, and to \$5.00 on July 1, 2001. Further scheduled increases were set for the next two years, not to begin until the July 1, 2002 annual access tariff filings, and subject to the following FCC review:

¹ See *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long-Distance Users, Federal-State Joint Board on Universal Service*, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962 (2000) (*CALLS Order*), *aff'd in part and remanded in part on other grounds sub nom. Texas Office of Pub. Util. Counsel v. FCC*, No. 00-60434, 2001 WL 1042228 (5th Cir. Sept. 10, 2001).

[W]e shall review any increases to residential and single-line business SLC caps above \$5.00 to verify that any such increases are appropriate and reflect higher costs where they are to be applied. We will initiate and complete a cost review proceeding prior to any scheduled increases above this cap taking effect to determine the appropriate SLC cap. For this proceeding, the price cap [local exchange carriers (LECs)] have agreed to provide, and we will examine, forward-looking cost information associated with the provision of retail voice grade access to the public switched telephone network. We will address in that proceeding whether an increase in the SLC cap above \$5.00 is warranted and, if not, whether a decrease in common line charges is warranted.

See CALLS Order, 15 FCC Rcd at 12994, ¶ 83.

NARUC and its member commission have a long held an obvious interest in the Subscriber Line Charge - which is generally viewed by ratepayers as a local rate increase, in spite of its interstate character, and has clear impacts on State universal service policy. Indeed, both NARUC and a number of its members filed comments in the underlying proceeding.

In this proceeding, the FCC required price cap LECs to submit the cost information described in ¶ 83 November 16, 2001, and invited interested parties to comment on the cost submissions. The notice sets December 17, 2001, and January 9, 2002, as the dates for initial and reply comments on the ILECs' November submissions.

III. NEED FOR RELIEF

Many NARUC member States have been active participants at every stage of these proceedings. Unlike the industry participants, the State commissions, and other public interest groups likely to scrutinize the ILEC filings, lack the staff resources to complete a review of all the ILEC filings in the time provided. The FCC's proposed action (i) clearly raises issues of concern to the NARUC's state commission membership and (ii) could impact upon these members' ability to adhere to their respective mandates to serve the public interest. No other

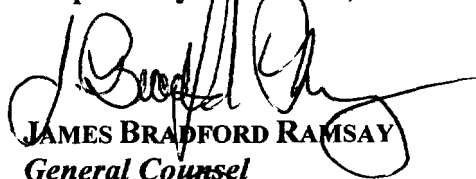
participant's filed initial and reply comments can adequately represent the viewpoint of NARUC's members.

This viewpoint is necessary to fully illuminate the issues raised by the proposed SLC increases and assure a complete record upon which to base a decision. Hence, granting the requested extension will serve the public interest by ensuring State commissions continued full participation.

IV. CONCLUSION

Accordingly, because of the critical importance of the issues raised by the FCC's Notice to NARUC's membership, and the clear need for additional time to adequately review the extensive ILEC filings, NARUC respectfully requests the FCC extend the time for all initial comments approximately an additional month to February 17, 2002 and to correspondingly extend the time for reply comments to March 17, 2002.

Respectfully Submitted,



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